

Sixth Appellate District

San Jose, California

TUESDAY, SEPTEMBER 7, 2004

H026038 PEOPLE v. GANDY

On the court's own motion, the submission order the above-entitled matter dated July 8, 2004, is hereby vacated. The court by separate letter issued September 1, 2004, has requested briefing from the parties in H027372, Gandy on Habeas Corpus. The cause will be resubmitted upon completion of supplemental briefing.

Dated: September 7, 2004

Rushing, P. J.

H024886 PEOPLE v. JONES

On the court's own motion, the submission order the above-entitled matter dated July 14, 2004, is hereby vacated. The court by separate letter issued September 3, 2004, has requested briefing from the parties in H027718, Jones on Habeas Corpus. The cause will be resubmitted upon completion of supplemental briefing.

Dated: September 7, 2004

Rushing, P. J.

WEDNESDAY, SEPTEMBER 8, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H026312 PEOPLE v. MENDOZA

Cause called and argued by J. Frank McCabe appearing for Appellant and by Catherine A. McBrien, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025946 PEOPLE v. HERNANDEZ

Cause called and argued by Katarzyna Kozik appearing for Appellant and by Christina Vom Sall, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025418 PEOPLE v. GILBERT

Cause called and argued by David D. Carico appearing for Appellant and by Amy Haddix, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025399 PEOPLE v. KRAMER

Cause called and argued by Amy Haddix, Deputy Attorney General, appearing for Appellant and by Janice Brickley appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

Sixth Appellate District

San Jose, California

Wednesday, September 8, 2004 (continued)

H027575 DAVID B. v SUPERIOR COURT OF SANTA CLARA COUNTY

The petition is denied. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 8, 2004

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.

Present: Rushing, P.J.; Premo, J.; Walsh, J.\*; and R. W. Norvelle, Deputy Clerk.

(\*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026265 PEOPLE v. JAFFE

Cause called and argued by William Robinson appearing for Appellant and by Stan Helfman, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026137 PEOPLE v. BARNES

Cause called and argued by Cindy Diamond appearing for Appellant and by Ross C. Moody, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025873 PEOPLE v. VY

Cause called and argued by Stephen Greenberg appearing for Appellant and by John R. Vance, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Premo, J. steps down and McAdams, J. takes the bench.

H026182 NWOSU v. UBA

Cause called and argued by Appellant appearing in Pro Per and by Charles F. Cummins appearing for Respondent. The appellant submits written argument to the court in addition to orally arguing the matter. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

Wednesday, September 8, 2004 (continued)

H025946 PEOPLE v. HERNANDEZ

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated September 8, 2004, is hereby vacated for the purposes of supplemental briefing pursuant to *Blakely v. Washington* (No. 02-1632. June 24, 2004) 542 U.S. \_\_\_\_; 124 S. Ct. 2531; 159 L.Ed.2d 403; 2004 WL 1402697; 2004 DJDAR 7581. The cause will be resubmitted upon completion of supplemental briefing.

Dated: September 8, 2004                      Rushing, P.J.

THURSDAY, SEPTEMBER 9, 2004

H026478 PEOPLE v. BANKS

The matter is remanded to the superior court to allow defendant the opportunity to withdraw his plea. Should he fail to do so within 45 days of the filing of the remittitur, the judgment is affirmed. (*People v. Hollins* (1993) 15 Cal.App.4th 567, 575.) (not published)

(McAdams, J.; We concur: Rushing, P.J., Walsh, J.\*)

Filed September 9, 2004

(\*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and J. Michel Casique, Deputy Clerk.

H025041 In re the MARRIAGE of AMRIT

Cause called and argued by Gregory Ellis appearing for Appellant and by Walter K. Pyle appearing for Respondent. Cause ordered submitted.

H026358 PEOPLE v. GHOLSTON

Cause called and argued by Paul Couenhoven appearing for Appellant and by Michele J. Swanson, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024429 PEOPLE v. SCOTT

Cause called and argued by Mark Farbman appearing for Appellant and by Eric D. Share, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, September 9, 2004 (continued)

H025817 CLIFFORD v. PECK

Cause called and argued by Arthur Dudley appearing for Appellant and by Raymond Coates appearing for Respondent. Cause ordered submitted.

H024861 CARROLL v. FREDRICKSON, as Trustee, etc.

Cause called and argued by James P. Cilley appearing for Appellant and by C. Darrell Sooy appearing for Respondent. Cause ordered submitted.

H026636 GILUIANI & KULL, INC. v. CASTLE & COOKE, INC., et al.

Cause called and argued by Jane Pandell appearing for Appellant and by Craig N. Beardsley appearing for Respondents. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.

Present: Premo, Acting P.J.; Bamattre-Manoukian, J.; Walsh, J.\*; and S. Nasson, Deputy Clerk.

(\*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026670 KNAPP, et al. v. DOHERTY, et al.

Cause called and argued by Edwin Frey appearing for Appellants and by Edward Newman appearing for Respondents, Doherty, et al., by Paul Vallone appearing for Respondent Cameron Dreyfuss and by Eric Houser appearing for Respondent OCWEN Federal Bank. Cause ordered submitted.

Premo, Acting P.J. and Walsh, J.\* leave the bench. Elia, Acting P.J. and McAdams, J. take the bench.

(\*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H025810 PEOPLE v. VALENZUELA

Cause called and argued by Mark Greenberg appearing for Appellant and by Gregg Zywicke, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, September 9, 2004 (continued)

H026992 D.F.C.S. v. GINA K., et al.

Cause called and argued by Mary Williams appearing for Appellant Gina K. and by Arleen Rozul, Deputy County Counsel, appearing for Respondent and by Robert Masterson, Deputy District Attorney, appearing for Respondent minor. Cause ordered submitted.

H026719 MILLER v. MILLER

Cause called and argued by James Cilley appearing for Appellant and by Leo Siegel appearing for Respondent. Cause ordered submitted.

Elia, Acting P.J. leaves the bench. Mihara, J. takes the bench.

H027346 LITMON, JR. v. SUPERIOR COURT; THE PEOPLE

Cause called and argued by Francis Cole appearing for Petitioner and by Moona Nandi, Deputy Attorney General, appearing for Real Party in Interest. Cause ordered submitted.

H027353 JOHNSON, JR. v. SUPERIOR COURT; THE PEOPLE

Cause called and argued by Andrea Flint appearing for Petitioner and by Moona Nandi, Deputy Attorney General, appearing for Real Party in Interest. Cause ordered submitted. Court adjourns.

FRIDAY, SEPTEMBER 10, 2004

H026468 MARRIAGE OF KATHRYN AND HAROLD DIER

The order is affirmed. (not published)  
(Mihara, J.; I concur: Bamattre-Manoukian, Acting P.J.; I concur in the judgment only: McAdams, J.)  
Filed September 10, 2004

H025857 PEOPLE v. SLATER

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed September 10, 2004